



"People helping people help themselves"

Mitchell E. Daniels, Jr., Governor  
State of Indiana

**Division of Disability and Rehabilitative Services**  
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## **COMPLIANCE EVALUATION AND REVIEW TOOL – GUIDE**

### **NON-DIRECT ANCILLARY SERVICES: EMOD, PERS, & SMED**

**NOTE: All references to "waiver application" refer to: Application for 1915(c) HCBS Waiver: IN.0378.R02.00 - Oct 01, 2009**

| Indicators/Probes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Review of Documents                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
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| <p><b>I. THE PROVIDER MEETS QUALIFICATIONS TO DELIVER WAIVER SERVICES.</b></p> <hr/> <p><b>I.A.1</b> DDRS approval to provide services.</p> <p><b>Probes:</b><br/>Is the provider approved for providing all of the services they're currently providing? 460 IAC 6-5-2; 6-5-3; 6-5-4; 6-5-34; 6-5-11; 6-5-13; 6-5-15; 6-5-17; 6-5-18; 6-5-19; 6-5-20; 6-5-22; 6-5-23; 6-5-24; 6-5-26; 6-5-27; 6-5-28; 6-5-29; 6-5-30; 6-5-21; Service Definition and Documentation Standards (OA20081107); Bulletin October 2, 2009</p> <p><b>Does the provider meet minimum qualifications for each service on their list of "approved services"?</b></p> <p><b>I.A.11</b> Environmental Modification Supports.</p> <p>Does the provider meet the qualifications for environmental modification supports per 460 IAC 6-5-11?</p> | <p>Does the provider possess, and can the provider present to the surveyor, documentation that confirms the following qualifications for each identified service:</p> <p>ALL <b>PROBES</b> <u>MUST BE</u> MARKED 'MET', 'NOT MET', OR 'N/A'</p> <p><b>I.A.1 .1</b> The provider shall produce an active provider agreement with DDRS documenting approval as a provider for this service, <u>only when</u> INsite lists this service as approved for this provider.</p> <ol style="list-style-type: none"> <li>1. E.g., letter from FSSA approving services, copy of agreement.</li> <li>2. Verify approved services in INSITE prior to survey.</li> <li>3. Applicable for probes I.A.1.1-I.A.1.28.</li> </ol> <p><u>Environmental Modifications Supports</u></p> <p><b>I.A.11.1</b> The provider will produce an active license or certification for each type of environmental modification support service being provided:</p> <ul style="list-style-type: none"> <li>➤ License: Home Inspector IC 25-20.2; Plumber IC 25-28.5; Physical Therapist IC 25-27-1; Speech/Language Therapist IC 25-35.6</li> <li>➤ Certification: Architect IC 25-4-1; Occupational Therapist IC 25-23.5</li> </ul> <p><b>I.A.11.2</b> The provider will maintain the following documentation:</p> |

- a. Documentation of being bonded. Provider Relations Ancillary Services Checklist Part 4
- b. The installation date of any adaptive aid or device, assistive technology, or other equipment;
- c. The maintenance date of any adaptive aid or device, assistive technology, or other equipment;
- d. A change made to any adaptive aid or device, assistive technology, or other equipment, including any:
  - alteration;
  - correction; or
  - replacement.

**I.A.11.3** All environmental modification supports provided to an individual under this rule shall be warranted for at least 90 days.

#### Personal Emergency Response System Supports

The provider will:

**I.A.19.1** be licensed, certified, registered or otherwise properly qualified under federal, state or local laws applicable to the particular service that the applicant is performing.

**I.A.19.2** Maintain the following documentation regarding support provided to an individual:

- a. The installation date of any adaptive aid or device, assistive technology, or other equipment;
- b. The maintenance date of any adaptive aid or device, assistive technology, or other equipment;
- c. A change made to any adaptive aid or device, assistive technology, or other equipment, including any:
  - alteration;
  - correction; or
  - replacement.

**I.A.19.3** Warrant all specialized medical equipment and supplies provided to an

#### **I.A.19 Personal Emergency Response System Supports.**

Does the provider meet the requirements for personal emergency response system supports per 460 IAC 6-5-18?

**I.A.25 Specialized Medical Equipment & Supplies.**

Does the provider meet the requirements for specialized medical equipment & supplies per 460 IAC 6-5-27?

**I.A.30 Insurance**

Does the provider meet the requirements for an active insurance policy per 460 IAC 6-12?

individual under this rule for at least ninety (90) days.

Specialized Medical Equipment & Supplies

The provider will:

**I.A.25.1** Produce a license, certificate, registration, or other proper qualification required under federal, state, or local laws applicable to the particular service that the applicant is performing.

**I.A.25.2** Maintain the following documentation regarding support provided to an individual:

- a. The installation date of any adaptive aid or device, assistive technology, or other equipment;
- b. The maintenance date of any adaptive aid or device, assistive technology, or other equipment;
- c. A change made to any adaptive aid or device, assistive technology, or other equipment, including any:
  - alteration;
  - correction; or
  - replacement.

**I.A.25.3** Warrant all specialized medical equipment and supplies provided to an individual under this rule for at least ninety (90) days.

Insurance

The provider will produce an active insurance policy that covers the following:

**I.A.30 .1** Personal injury to an individual 460 IAC 6-12-2(1)

**I.A.30 .2** Loss of life to an individual 460 IAC 6-12-2(2)

**I.A.30 .3** Property damage to an individual 460 IAC 6-12-2(3)

**I.A.30 .4** Documentation of Workers Compensation coverage according to IC 22-3-2? DRS Policy: Insurance Requirements of Providers, eff. 2-28-11

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| <p><b>II. THE PROVIDER HAS POLICIES AND PROCEDURES TO ENSURE THE RIGHTS OF INDIVIDUALS, TO DIRECT APPROPRIATE SERVICES, AND TO SUPPORT AND MANAGE EMPLOYEES.</b></p> <hr/> <p><b>II.A.2 Written procedures for prohibiting violations of individual rights:</b></p> <p>Does the provider have written policies and procedures that prohibit its employees/agents from violating individuals' rights per 460 IAC 6-9?</p> <p><b>II.A.10 Conflicts of interest &amp; ethics</b></p> <p>Does the provider have a conflict of interest policy that meets 460 IAC and DDRS requirements?</p> <p>Does the provider have a code of ethics policy that meets 460 IAC and DDRS requirements?</p> | <p><b>II.A.2.1</b> Does the provider have a written policy or procedure which include prohibitions against:</p> <ol style="list-style-type: none"> <li>Abusing, neglecting, exploiting, and mistreating individuals? 460 IAC 6-9-3(b)(1);</li> <li>Violating an individual's rights? 460 IAC 6-9-3(b)(2);</li> </ol> <p><b>II.A.10.1</b> The provider's conflict of interest policy should:</p> <ol style="list-style-type: none"> <li>State that situations involving conflicts of interest by an owner, director, agent, employee, contractor, subcontractor or officer performing any management, administrative or direct service to an individual shall be avoided. DDRS Policy: Provider Conflict of Interest, eff. 2-28-11</li> <li>Require disclosure of possible conflicts of interest by all of the provider's owners, directors, officers, employees, contractors, subcontractors or agents. DDRS Policy: Provider Conflict of Interest, eff. 2-28-11</li> </ol> <p><b>II.A.10.2</b> The provider's code of ethics requires all owners, directors, officers, employees, contractors, subcontractors or agents to:</p> <ol style="list-style-type: none"> <li>Provide professional services with objectivity and respect for the unique needs and values of the individual being provided services;</li> <li>Provide sufficient objective information to enable an Individual, or the individual's legal representative, to make informed decisions; and</li> <li>Avoid discrimination on the basis of factors that are irrelevant to the provision of services. DDRS Policy: Provider Code of Ethics, eff. 2-28-11; Provider Relations Ancillary Services Checklist Part 4</li> <li>Accurately present professional qualifications;</li> </ol> |
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|  | <ul style="list-style-type: none"> <li>e. Assume responsibility and accountability for personal competence in providing services;</li> <li>f. Maintain professional licensure or accreditation;</li> <li>g. Adhere to acceptable standards for the owner, director, officer, employee, contractor, subcontractor or agent's area of professional practice;</li> <li>h. Comply with all laws and regulations governing a licensed or accredited person's profession;</li> <li>i. Maintain the confidentiality of individual information consistent with the standards of IAC 460 and all other state and federal laws and regulations governing confidentiality of individual information;</li> <li>j. Conduct all practice with honesty, integrity, and fairness;</li> <li>k. Fulfill professional commitments in good faith; and</li> <li>l. Inform the public and colleagues of services by using factual information. DDRS Policy: Provider Code of Ethics, eff. 2-28-11</li> </ul> <p><b>II.A.10.3</b> The provider's code of ethics must state the provider's commitment to:</p> <ul style="list-style-type: none"> <li>a. Make reasonable efforts to avoid bias in any kind of professional evaluation; and</li> <li>b. Not allow for nepotism during the conducting, directing, reviewing or other managerial activity of an investigation into an allegation of abuse or neglect, by prohibiting friends and relatives of an alleged perpetrator from engaging in these managerial activities. DDRS Policy: Provider Code of Ethics, eff. 2-28-11</li> <li>c. Not subject its directors, officers, employees, contractors, subcontractors or agents to negative consequences as outlined in IC 22-5-3-3 following the director, officer, employee, contractor, subcontractor or agent reporting: <ul style="list-style-type: none"> <li>➤ The alleged abuse or neglect of an Individual;</li> <li>➤ Violation of Provider's policies and procedures;</li> <li>➤ Violation of Division of Disability and Rehabilitative Services (DDRS) policies and procedures; and</li> <li>➤ Violation of state and federal laws? DDRS Policy: Provider Code of Ethics, eff. 2-28-11</li> </ul> </li> </ul> |
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|                                                | <p>d. Notify the appropriate party of any unprofessional conduct that may jeopardize an individual's safety or influence the individual or individual's representative in any decision making process. DDRS Policy: Provider Code of Ethics, eff. 2-28-11</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <p>Protections for whistleblowers.</p>         | <p><b>II.A.10.4</b> The provider's code of ethics must prohibit:</p> <ul style="list-style-type: none"> <li>a. Advertising or marketing in a misleading manner;</li> <li>b. Engaging in uninvited solicitation of potential individuals, who are vulnerable to undue influence, manipulation, or coercion. DDRS Policy: Provider Code of Ethics, eff. 2-28-11</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <p><b>Not applicable to Solo Providers</b></p> | <p><b>II.A.10.5</b> The provider will produce a policy in compliance with IC 22-5-3-3 that will include protections for whistleblowers who report:</p> <ul style="list-style-type: none"> <li>a. Allegations of abuse or neglect of an individual;</li> <li>b. Violation of provider's policies and procedures;</li> <li>c. Violation of DDRS policies and procedures; and</li> <li>d. Violation of state and federal laws. DDRS Policy: Provider Code of Ethics, eff. 2-28-11</li> </ul>                                                                                                                                                                                                                                                                                                                                    |
|                                                | <p><b>II.A.10.6</b> The provider will produce a policy that is consistent with 460 IAC 6-1-1 and includes:</p> <ul style="list-style-type: none"> <li>a. Prohibitions against giving gifts to state employees, special state appointees, the spouse or un-emancipated child of an employee, the spouse or un-emancipated child of a special state appointee, an Individual potentially receiving services from the provider, and any guardian or family member of an individual potentially receiving services from the provider.</li> <li>b. Ethical safeguards and guidelines limiting the provision of gifts to an individual receiving services from the provider and any guardian or family member of an individual receiving services from the provider. DDRS Policy: Provider Code of Ethics, eff. 2-28-11</li> </ul> |

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| <p><b>III. THE PROVIDER MAINTAINS EMPLOYEE INFORMATION CONFIRMING KEY HEALTH, WELFARE AND TRAINING ISSUES.</b></p> <hr/> <p><b>III.A.2 Criminal background checks</b></p> <p>Does the provider's employee or agent files contain evidence of the criminal background checks required in 460 IAC and DDRS policies? DDRS Policy: Personnel Records, eff. 2-28-11</p> | <p>Electronic records are acceptable.</p> <p><u>Criminal background checks</u></p> <p><b>III.A.2.1</b> Each of the provider's employee/agent files should have evidence that a criminal history search was obtained from every state (including the Indiana Central Repository) and county, wherever located, in which an owner, officer, director, employee, contractor, subcontractor or agent involved in the management, administration, or provision of services has resided and/or worked during the 3 years before the criminal history investigation was requested. Provider Relations Ancillary Services Checklist Part 4; DDRS Policy: Documentation of Criminal Histories eff. 2-21-10</p> <p><b>III.A.2.2</b> A criminal background check that verifies each employee is free of <u>felony convictions</u> that include:</p> <ul style="list-style-type: none"> <li>a. Sex crime;</li> <li>b. exploitation of an endangered adult;</li> <li>c. failure to report battery, neglect, or exploitation of an endangered adult;</li> <li>d. abuse or neglect of a child; theft ,if the conviction occurred less than ten (10) years before the person's employment application date;</li> <li>e. murder;</li> <li>f. voluntary manslaughter;</li> <li>g. involuntary manslaughter;</li> <li>h. felony battery;</li> <li>i. felony offense related to a controlled substance</li> <li>j. criminal conversion</li> <li>k. criminal deviate conduct</li> </ul> |
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|  | <ul style="list-style-type: none"> <li>l. offense related to alcohol or a controlled substance</li> <li>m. theft, if the person's conviction for theft occurred less than ten(10) years before the person's employment application date, except as provided in IC 16-27-2-5(a)(5). 460 IAC 6-10-5(b)(1); DDRS Policy: Documentation of Criminal Histories eff. 2-21-10; DDRS Policy: Employment of Persons with Conviction of Prohibited Offenses or Non-Residency Status 2-21-11</li> </ul> |
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